

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

CLINT D. STEWTS

Plaintiff,

VS.

WELLS FARGO BANK, N.A.

Defendant.

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C.A. No. 3:13-CV-00005

DEFENDANT’S MOTION FOR LEAVE TO FILE UNDER SEAL

COMES NOW Defendant Wells Fargo, N.A., (“Wells Fargo”) and files this Motion for Leave to File Under Seal (“Motion for Leave”) and respectfully shows the Court as follows:

I. MOTION

On July 2, 2013, Wells Fargo filed its Amended Cross-Motion for Summary Judgment (Doc. 33) (the “Cross-Motion”), which sought dismissal of all of Plaintiff’s claims against Wells Fargo in their entirety under Federal Rule of Civil Procedure 56. On September 3, 2013, the Court entered the Order granting the Cross-Motion (the “Order”) (Doc. 44), which found that Plaintiff’s claims were all dismissed with prejudice. Pursuant to Federal Rule of Civil Procedure 54(d)(2), on September 17, 2013, Wells Fargo filed its Motion for Award of Attorneys’ Fees and Costs and Brief in Support (“Motion for Fees”).

To allow for the proper, just, and efficient adjudication of its Motion for Fees, Wells Fargo attaches its attorneys’ fees invoices thereto. The attorneys’ fees invoices contain confidential and privileged information. However, to facilitate the proper, just, and efficient

adjudication of Wells Fargo's Motion for Fees, Wells Fargo must file its attorneys' fees invoices to the Court in unredacted form. Because Wells Fargo must file its attorneys' fees invoices in unredacted form, to preserve the confidentiality and privileged nature of its attorneys' fees invoices, Wells Fargo moves the Court for leave to file its Motion for Fees under seal. Contemporaneously herewith, Wells Fargo is filing a Motion for Entry of Protective Order under Federal Rule of Evidence 502(d), which will protect and preserve Wells Fargo's privilege with respect to the information contained in its attorneys' fees invoices. Wells Fargo respectfully requests that the Court grant it leave to file its Motion for Fees under seal, and that Wells Fargo's Motion for Fees be considered filed on September 17, 2013.

II. CONCLUSION & PRAYER

WHEREFORE, based on the foregoing, Defendant Wells Fargo Bank, N.A., prays that the Court grant Wells Fargo leave to file its attached Motion for Fees under seal and that the attached Motion for Fees be considered filed on September 17, 2013. Wells Fargo requests such other relief in law or equity to which it may justly be entitled.

Respectfully submitted,

/s/ Derrick B. Carson by permission K.L.K

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CERTIFICATE OF CONFERENCE

I, Kurt Krolikowski - counsel for Wells Fargo Bank, N.A., hereby certify that, on September 17, 2013, I attempted to confer with Andy Haut and Anh Thu Dinh, counsel for Plaintiff, regarding this Motion via telephone and via email. Plaintiff's counsel was unavailable. Wells Fargo presumes that Plaintiff would be opposed to this Motion.

/s/ Kurt Lance Krolikowski
Kurt Lance Krolikowski

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served upon the following counsel *via electronic notification, hand delivery, facsimile, and/or certified mail return receipt requested* on September 17, 2013.

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